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16 *Attorneys for Plaintiff, Edward Wheeler*

17 **UNITED STATES DISTRICT COURT**

18 **DISTRICT OF NEVADA**

19 EDWARD WHEELER, an individual,

20 Plaintiff,

21 vs.

22 CITY OF HENDERSON, a Nevada
23 Municipal Corporation; CITY OF NORTH
24 LAS VEGAS, Nevada, a Municipal
Corporation; and SERGEANT TRAVIS
SNYDER, individually and in his official
capacity as a North Las Vegas Police
Sergeant,

Defendants.

Case. No.: 2:15-cv-01772-JCM-CWH

STIPULATION TO EXTEND
DISCOVERY DEADLINES SET
FORTH IN SCHEDULING ORDER
[ECF No. 56]

(Fourth Request)

Pursuant to LR 6-1 and LR 26-4, the parties, by and through their respective counsel of record, hereby stipulate and request that this Court extend discovery in the above-captioned case sixty (60) days, up to and including **Tuesday, August 7, 2018**. In addition, the parties request that the dispositive motions and pretrial order deadlines be extended for

1 an additional sixty (60) days as outlined herein. In support of this Stipulation and Request,
2 the parties state as follows:

3 **DISCOVERY COMPLETED TO DATE**

4 1. On September 15, 2015, this action was commenced by Plaintiff Edward
5 Wheeler filing of this Complaint and Jury Demand (ECF No. 1).

6 2. On December 11, 2015 Plaintiff Edward Wheeler filed his Amended
7 Complaint (ECF No. 5).

8 3. On January 5, 2016, Defendant City of Henderson filed its Motion to
9 Dismiss Amended Complaint (ECF No. 17).

10 4. On August 1, 2016, Plaintiff Edward Wheeler filed his Second Amended
11 Complaint (ECF No. 25).

12 5. On December 21, 2016, Plaintiff Edward Wheeler filed his Third Amended
13 Complaint (ECF No. 30).

14 6. On January 10, 2017, Defendant City of Henderson filed its Motion to
15 Dismiss Third Amended Complaint (ECF No. 34).

16 7. On January 18, 2017, Defendants City of North Las Vegas and Sergeant
17 Travis Snyder filed their Answer to Third Amended Complaint and Demand for Jury Trial
18 (ECF Nos. 35 and 37).

19 8. On March 10, 2017, Plaintiff Edward Wheeler propounded his First Set of
20 Requests for Production of Documents to Defendant City of Henderson.

21 9. On March 10, 2017, Plaintiff Edward Wheeler propounded his First Set of
22 Requests for Production of Documents to Defendant City of North Las Vegas.

23 10. On March 10, 2017, Plaintiff Edward Wheeler propounded his First Set of
24 Interrogatories to Defendant City of Henderson.

25 11. On March 10, 2017, Plaintiff Edward Wheeler propounded his First Set of
26 Interrogatories to Defendant City of North Las Vegas.

27 12. On March 14, 2017, the Stipulated Discovery Plan Discovery Plan and
28 Scheduling Order was filed (ECF No. 46).

1 13. On March 14, 2017, Plaintiff Edward Wheeler propounded his Second Set
2 of Interrogatories to Defendant City of Henderson.

3 14. On March 14, 2017, Plaintiff Edward Wheeler propounded his Second Set
4 of Interrogatories to Defendant City of North Las Vegas.

5 15. On March 20, 2017, Defendants City of North Las Vegas and Sergeant
6 Travis Snyder produced their Initial Disclosures of Production of Documents.

7 16. On March 21, 2017, Plaintiff Edward Wheeler produced his Initial
8 Disclosures of Production of Documents.

9 17. On March 21, 2017, Defendant City of Henderson produced its Initial
10 Disclosures of Production of Documents.

11 18. On April 10, 2017, Defendant City of Henderson responded to Plaintiff
12 Edward Wheeler's First Set of Requests for Production of Documents.

13 19. On April 10, 2017, Defendant City of Henderson responded to Plaintiff
14 Edward Wheeler's First Set of Interrogatories.

15 20. On April 13, 2017, Defendant City of Henderson responded to Plaintiff
16 Edward Wheeler's Second Set of Interrogatories.

17 21. On April 13, 2017, Defendant City of Henderson produced its First
18 Supplement to Initial Disclosures of Production of Documents.

19 22. On May 5, 2017, Defendant City of North Las Vegas responded to Plaintiff
20 Edward Wheeler's First Set of Requests for Production of Documents.

21 23. On May 5, 2017, Defendant City of North Las Vegas responded to Plaintiff
22 Edward Wheeler's First Set of Interrogatories.

23 24. On May 5, 2017, Defendant City of North Las Vegas responded to Plaintiff
24 Edward Wheeler's Second Set of Interrogatories.

25 25. On June 5, 2017, Defendant City of North Las Vegas and Sergeant Travis
26 Snyder produced their First Supplement to Initial Disclosures of Production of Documents.

27 26. On June 8, 2017, Defendant City of North Las Vegas propounded its First
28 Set of Requests for Production of Documents to Plaintiff Edward Wheeler.

1 27. On June 8, 2017, Defendant City of North Las Vegas propounded its First
2 Set of Interrogatories to Plaintiff Edward Wheeler.

3 28. On June 19, 2017, Plaintiff Edward Wheeler produced his First Supplement
4 to Initial Disclosures of Production of Documents.

5 29. On July 28, 2017, this Court granted the parties' Stipulated Protective Order
6 (ECF No. 52).

7 30. On August 3, 2018, Plaintiff Edward Wheeler responded to Defendant City
8 of North Las Vegas's First Set of Requests for Production of Documents.

9 31. On August 3, 2018, Plaintiff Edward Wheeler responded to Defendant City
10 of North Las Vegas's First Set of Interrogatories.

11 32. On September 22, 2017, Plaintiff Edward Wheeler propounded his Third
12 Set of Interrogatories to Defendant City of North Las Vegas.

13 33. On September 22, 2017, Plaintiff Edward Wheeler propounded his Third
14 Set of Interrogatories to Defendant City of Henderson.

15 34. On September 22, 2017, Plaintiff Edward Wheeler propounded his Second
16 Set of Request for Production of Documents to Defendant City of North Las Vegas.

17 35. On September 22, 2017, Plaintiff Edward Wheeler propounded his First Set
18 of Interrogatories to Defendant Sgt. Travis Snyder.

19 36. On September 22, 2017, Plaintiff Edward Wheeler propounded his First Set
20 of Request for Production of Documents to Defendant Sgt. Travis Snyder.

21 37. On November 8, 2017, Defendant City of North Las Vegas responded to
22 Plaintiff Edward Wheeler's Third Set of Interrogatories.

23 38. On November 8, 2017, Defendant Sgt. Travis Snyder responded to Plaintiff
24 Edward Wheeler's First Set of Interrogatories.

25 39. On November 8, 2017, Defendant City of North Las Vegas responded to
26 Plaintiff Edward Wheeler's Second Set of Requests for Production of Documents.

27 40. On November 8, 2017, Defendant Sgt. Travis Snyder responded to Plaintiff
28 Edward Wheeler's First Set of Requests for Production of Documents.

41. On November 16, 2017, Defendant City of Henderson responded to Plaintiff Edward Wheeler's Third Set of Interrogatories.

42. On November 29, 2017, Defendants City of North Las Vegas and Sgt. Travis Snyder noticed the deposition of Plaintiff Edward Wheeler.

43. On January 9, 2018, Defendant City of Henderson produced its Second Supplement to Initial Disclosures of Production of Documents.

44. On January 23, 2018, Defendants took the deposition of Plaintiff Edward Wheeler.

45. The parties anticipate that additional written discovery will be necessary.

DISCOVERY REMAINING

1. The deposition of parties, Fed. R. Civ. P. 30(b)(6) witness(es), and any disclosed experts will be completed by the close of discovery.

3. Additional written discovery and responses.

4. Expert disclosures.

REASONS WHY DISCOVERY WAS NOT COMPLETED

The parties aver, pursuant to Local Rule 6-1, that good cause exists for the requested extension.

The parties have recently stipulated to a Protective Order which was entered by the Court and will now provide documents subject to that order. Said documents will also be submitted for expert review. In addition, the parties are working on scheduling depositions.

Counsel for Plaintiff Edward Wheeler has an Opposition to a Motion to Stay due on March 21, 2018, in *Clark County Office of the Coroner/Medical Examiner v. Las Vegas-Review Journal*, Nev. S.Ct. Case No. 75095. Counsel also has supplemental briefing in a 42 U.S. § 1983 civil rights case in *Gayler v. High Desert State Prison et al.*, U.S. District Court Case 2:14-cv-00769-APG-CWH on March 29, 2018. Further, counsel also must respond to a memorandum regarding sealed documents in *U.S.A. v. Bundy et al.*, U.S. District Court Case No. 2:16-cr-00046-GMN-PAL on March 30, 2018.

On April 4, 2018, Counsel for Plaintiff has an Answering Brief in *J.D.H. et al. v.*

1 *Las Vegas Metropolitan Police Department et al.*, Ninth Circuit of Appeal Case No. 17-
2 16512. Lastly, Counsel for Plaintiff and Defendants City of North Las Vegas and Sgt. Travis
3 Snyder have responses to dispositive motions due in *Walker et al. v. City of North Las Vegas*,
4 *et al.*, U.S. District Court Case 2:14-cv-01475-JAD-NJK on April 5, 2018.

5 Counsel for Defendants City of North Las Vegas has been occupied in multi-day
6 depositions in *Spiotto v. LVMPD*, 2:17-cv-153-GMN-GWF. Further counsel for defendants
7 is preparing for trial in *Kingham v. State Farm*, 2:15-cv-1555-APG-GWF and *Stephan v.*
8 *State Farm*, CV16-1846, both trials set to begin on May 7, 2018.

9 Given counsel's time constraints and availability the time to complete discovery in
10 this case has been telescoped. The parties are diligently working on the discovery in this
11 case.

12 The following is a list of the current discovery deadlines and the parties' proposed
13 extended deadlines:

Scheduled Event	Current Deadline	Proposed Deadline
Discovery Cut-off	Friday, June 8, 2018	Tuesday, August 7, 2018
Expert Disclosure pursuant to Fed. R. Civ. P. 26(a)(2)	Monday, April 9, 2018	Friday, June 8, 2018
Rebuttal Expert Disclosure pursuant to Fed. R. Civ. P. 26(a)(2)	Wednesday, May 9, 2018	Monday, July 9, 2018 June 8, 2018
Interim Status Report	Monday, April 9, 2018	Tuesday, August 7, 2018
Dispositive Motions	Monday, July 9, 2018	Thursday, September 6, or at least thirty (30) days after the close of discovery.
Joint Pretrial Order	Tuesday, August 7, 2018	Monday, October 8, 2018, or at least thirty (30) days after the decision of last Dispositive Motions or further order of the Court.

26 Extension or Modification of The Discovery Plan and Scheduling Order. LR 26-4
27 governs modifications or extension of this discovery plan and scheduling order. Any
28 stipulation or motion must be made no later than twenty-one (21) days before the expiration

1 of the subject deadline, and comply fully with LR 26-4. In this case, the current deadline for
2 the expert disclosures is April 9, 2018, and thus this request is timely.

3 This extension request is made in good faith, jointly by the parties, and not for the
4 purposes of delay. Trial in this matter has not yet been set. Moreover, since this request is
5 a joint request, neither party will be prejudiced.

6 This Request for an extension of time is not sought for any improper purpose or
7 other purpose of delay. Rather, it is sought by the parties solely for the purpose of allowing
8 sufficient time to conduct discovery in this case and adequately prepare their respective cases
9 for trial.

10 This is the fourth request for extension of time in this matter. The parties
11 respectfully submit that the reasons set forth above constitute compelling reasons for the
12 extension.

13 WHEREFORE, the parties respectfully request that this Court extend discovery
14 deadlines in the above-captioned case sixty (60) days, up to and including **August 7, 2018**
15 and the other discovery deadlines as outlined in accordance with the table above.

16 IT IS SO STIPULATED.
17

18 DATED this 19th day of March, 2018.

DATED this 19th day of March, 2018.

19 **CITY OF HENDERSON**

20 /s/ Nancy D. Savage
21 Josh M. Reid, NBN 7497
22 Nancy D. Savage, NBN 392
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27 *Attorneys for Plaintiff, Edward Wheeler*

28 DATED this 19th day of March, 2018.

1 **LEWIS BRISBOIS BISGAARD & SMITH LLP**

2 */s/ Robert W. Freeman, Jr.*

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4 Noel E. Eidsmore, NBN 7688

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6 Las Vegas, Nevada 89118

7 *Attorneys for Defendants, City of North Las Vegas
and Sergeant Travis Snyder*

8 **ORDER**

9 IT IS SO ORDERED, subject to the court's modification to the
10 deadline for interim status reports.

11 DATED: March 20, 2018

12 
U.S. DISTRICT MAGISTRATE JUDGE